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## TRANSMITTAL FORM

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First Named Inventor Chris Kreutner

Art Unit 3611

Examiner Name Cassandra Davis

Attorney Docket Number SMART-38766

### ENCLOSURES (Check all that apply)

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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name KELLY LOWRY & KELLEY, LLP

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Date 05-06-2005

Reg. No. 42,348

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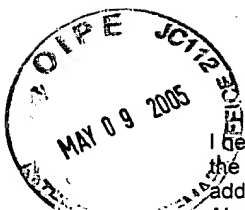
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By: Aaron T. Borrowman, Reg. No. 42,348 May 6, 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

CHRIS KREUTNER

Serial No. 09/934,777

Filed: August 21, 2001

For: PACKAGING TAPE SYSTEM  
AND RELATED PROCESS

Group Art Unit: 3611

Examiner: Cassandra Davis

Docket No. SMART-38766

APPELLANT'S REPLACEMENT BRIEF  
(37 CFR §1.192)

MS: Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Gentlemen:

This replacement brief is submitted in response to the Notification of Non-Compliant Appeal Brief mailed April 7, 2005. The fees required under §1.17 for filing this brief were previously submitted. This brief is transmitted in triplicate according to CFR §1.192(a).

I. REAL PARTY INTEREST

The real party in interest is Smartmove, Inc., a California corporation, pursuant to the October 7, 2002 assignment by Chris Kreutner, the inventor.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences that Applicant or his attorney is aware of.

III. STATUS OF CLAIMS

Claims 6-11 and 13-21 are pending and presented on appeal. These claims were reproduced in the Claims Appendix, attached hereto.

Claims 1-5 and 12 were previously cancelled.

Claims 17 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, U.S. Patent 4,557,971 in view of Okisawa, Japanese Patent JP411092722A.

Claims 9-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kitagawa et al., U.S. Patent 5,099,991 in view of Williams and Okisawa.

Claims 6-8 and 17-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Plummer, U.S. Patent 4,252,258 in view of Williams.

Claims 9, 13-16 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kitagawa in view of Plummer and Williams.

IV. STATUS OF AMENDMENTS

Applicant filed an Amendment on April 20, 2004 responding to the January 20, 2004 Office Action. All of the amendments in the April 20, 2004 Amendment were entered in the August 13, 2004 Final Office Action. Therefore, the claims presented in the attached Appendix represent the claims as amended and entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is concerned with a packaging tape system comprising adhesive boxing tape 10 having pre-printed indicia 12 thereon for the purpose of labeling a packed moving box according to the room, housing area, or office area from which the contents were retrieved/originated or the room in which the contents of the box are destined.

Independent Claim 6 recites a packaging tape system comprising multiple rolls of adhesive tape having sufficient length to seal two flaps of a box in a closed position. Each roll has indicia pre-printed along the length of the tape indicating a single room or location within a house or office regarding the origin of the contents of a box or a box's destination. A distinctive color is used for each roll to make it readily visually distinguishable from another roll indicating another room or location in the house or office. This system allows a box to be sealed and labeled simultaneously without marking the box or tape with a writing instrument.

Independent Claim 17 recites a packaging tape system comprising a roll of adhesive tape configured to extend across a face of a box and seal two flaps of the box in a closed position. Indicia is pre-printed repeatedly along

the length of the tape indicating a single room or location in a house from which the contents of the box originated or to where the contents are destined in another house. The pre-printed indicia relating to the rooms and locations is selected from the following: a bedroom, a bathroom, a kitchen, a dining room, a living room, a garage, a storage room, an office, a study, a den, a family room or a utility room. By means of this system the box can be sealed and labeled simultaneously without marking the box or tape with a writing instrument.

Independent Claim 19 recites a packaging tape system comprising a roll of adhesive tape configured to extend across a face of a box and seal two flaps of the box in a closed position. Indicia is pre-printed repeatedly along the length of the tape indicating a single room or location in an office from which the contents of the box originated or to where the contents are destined in another office. The pre-printed indicia relating to the rooms and locations is selected from the following: a breakroom, a conference room, a file room, a reception area, an office, a computer or a department. Through this process the box can be sealed and simultaneously labeled without marking the box or tape with a writing instrument.

As described in the Background section of the present application, the present invention is intended to overcome the disadvantages associated with using a marker or writing instrument to write the contents of the box or the room from which it was packed on the box itself, or using labels, which comprise a two-step process. Writing on the box, or tape, may present handwriting which is not legible or too small to be seen at a distance. Also, the writing may be smeared by other boxes or the movers themselves. Once a

box is written upon, either the box must be packed in the future according to the information previously written on it, or the previous writing must be scratched out. Another problem with using a marking pen is that the marking pen must be purchased in addition to the tape, and that the tape and marking pen must be located with one another at all times. If using labels, the consumer must purchase the labels in addition to the boxing tape. Moreover, the labels are very small rendering them difficult to read at a distance, and must be applied to several surfaces of the box in order that a mover can determine where the box originated without having to look at every side of the box.

The adhesive boxing tape 10 of the present invention is of a length sufficient to extend across a face of a box and seal two flaps of a box in a closed position, and as such is preferably formed in a dispensing roll (page 4, lines 6-8). The indicia 12 which is pre-printed on the tape and serves to label the box can label any box from any room in the house, for example, kitchen, bedroom, bathroom, dining room, living room, garage, storage room, office, study, den, family room, utility room, etc. Each roll of tape has the indicia printed repeatedly in sequence on the tape so as to indicate the room from which the contents of the box originated. The pre-printed indicia 12 can also relate to rooms and locations of an office, such as a break room, a conference room, a filing room, a reception area, an office, a computer room or department. (Page 4, second full paragraph).

In a preferred embodiment of the invention, each roll of boxing tape 14 is brightly colored to distinguish one room or area from another similar room or area. Thus, different colored tape can be used to identify different

rooms with the same description, such as more than one bedroom or bathroom. (Last full paragraph page 4, and extending to page 5). Every roll of tape may be of a different color so as to further assist the movers from distinguishing the boxes of one room from another.

In use, articles 16 from one room or area of the house or office are placed within a moving box, and the appropriate roll of tape 14 bearing the indicia 12 relating to the room or location from which the articles came from is selected and the tape 10 dispensed from the roll 14 and onto the box 18 so as to cover substantially the length of opposing edges 22 of the box flaps 20 in order to simultaneously seal and label the box 18. (Last full paragraph of page 5, extending to page 6).

Independent Claim 9 recites a process for packaging articles to be moved including providing a moving box with opposed open flaps. The articles to be moved are placed into the moving box and the flaps are closed toward one another. Adhesive tape is applied over substantially the length of the opposing edges of the closed flaps to hold the flaps in closed position. The adhesive tape has pre-printed indicia along its length indicating a single room or location within a home or office from which the articles were taken or to where the box of articles is destined. This process allows the box to be sealed and labeled simultaneously without needing to mark the tape or box with a writing instrument.

Independent Claim 14 recites a process for packaging articles to be moved including supplying a moving box having opposed open flaps, placing articles to be moved into the box and closing the flaps toward one another. Multiple rolls of adhesive tape are provided, each having indicia pre-

printed thereon indicating a single room or location from which the articles were taken within a house or office or representing the destination of the box of articles within another house or office. Also, each roll of tape has a distinctive color so as to be readily visually distinguishable from another roll indicating another room or location of the house or office. Adhesive tape from the dispensing roll, indicating the room or location from which the articles within the box were taken, is applied over substantially the length of opposing edges of the closed flaps to hold the flaps in a closed position, allowing the box to be simultaneously sealed and labeled without the need of using a writing instrument to mark the tape or the box.

Independent Claim 21 recites a process for packaging articles to be moved from a first house to a second house, whereas multiple rolls of adhesive tape are provided, each having indicia pre-printed repeatedly along the length of the tape indicating a single room or location within the house, selected from the following: a bedroom, a bathroom, a kitchen, a dining room, a living room, a garage, a storage room, an office, a study, a den, a family room or a utility room. Each roll is of a distinctive color so as to be readily visually distinguishable from another roll indicating another room or location within the house. At least one moving box with opposed open flaps is supplied. Articles to be moved from the first house to the second house are placed in the moving box. The flaps of the box are closed toward one another and a roll of adhesive tape is selected having the pre-printed indicia representing the room from which the articles were taken. The selected tape is applied over substantially the length of the opposing edges of the closed flaps to hold the flaps in a closed position, thereby simultaneously sealing and



labeling the box without a need to mark the box or tape with a writing instrument. At least one sealed and labeled box is delivered from the first house to the second house and placed in a room of the second house corresponding to the indicia on the adhesive tape sealing the box.

Instead of throwing away the boxes, or scratching out the old labels or markings, the tape 10 of the present invention is simply removed from the boxes and the boxes may be stored for later use. The present invention also eliminates the need to purchase marking pens, labels, and boxing tape to individually wrap and mark each box. This saves time in packing and loading. Moreover, the present invention can save a tremendous amount of time when unloading as the movers instantly know in which room or location the boxes sealed with the tape are to be placed in the new house or office.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

In the Office Action mailed August 13, 2004, the Examiner finally rejected claims 6-11 and 13-21 under 35 U.S.C. §103.

“ Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, U.S. Patent 4,557,971 in view of Okisawa, Japanese Patent JP411092722A.

Williams teaches self-adhereable tape comprising a pre-printed message such as “handle with Care” or “Fragile” such that the tape serves not only to seal a carton, but also to communicate a message. Williams also teaches indicia related to the address or destination of the carton. The tape taught by Williams may be dispensed from a tape-dispensing machine (not shown) which automatically moistens the gumming-layer 22 and cuts the tape to length. (See column 4, lines 7-17).

Okisawa teaches an adhesive tape 1 with repeated pre printed indicia 2 listing the rooms of a house in a side-by-side arrangement. The destination of the box in which the tape is applied is indicated by

marking the already printed destination room with a circle.

It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct address indicia on the tape taught by Williams with a room designations as taught by Okisawa to further define the destination of the seal carton."

In addition the Office Action mailed on August 13, 2004, the Examiner finally rejected claims 9-11 as follows:

" Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitagawa et al., U.S. Patent 5,099,991 in view of Williams and Okisawa. Kitagawa teaches a method of packing electrolytic capacitors within a box comprising the step of providing a box 18, inserting the electrolytic capacitor 14 within the box 18 of corrugated cardboard with flaps 191, 191, 192, 192. Thereafter, the flaps 191, 191, 192, 192 are closed and the box is closed by known adhesive tapes 20 to seal the box 18: (See column 3, lines 12-31). Kitagawa does not teach tape having preprinted indicia thereon. Williams teaches indicia related to the address or destination of the carton. Okisawa teaches an adhesive tape with repeated pre printed indicia 2 listing the rooms of a house in a side-by-side arrangement. It would have been obvious to one of ordinary skill in the art at the time this invention was made to construct the tape of the package taught by Kitagawa with pre-printed address indicia as taught by Williams to provide a means to indicate the designation of the box. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the tape taught by Kitagawa and Williams with repeating designation indicia as taught by Okisawa to provide a means to further define the destination of the box/package and as a means to provide the indicia extending over the entire length of the tape so that the tape would convey (sic) the same message over the length of the tape.

With respect to claim 10-11, Williams teaches a preprinted address on the tape indicating the designation of the box and Okisawa teaches that the pre-printed designation indicia in the form of names of rooms in general houses in Japan. It would have been obvious to one having ordinary skill in the art at the time this invention was made to have any known room of a house or office printed on the tape to provide a means to

identify conventional rooms associated with a house or office.”

Moreover, in the Office Action mailed on August 13, 2004, claims 6-8 and 17-20 were finally rejected as follows:

“ Claims 6-8 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plummer, U.S. Patent 4,252,258 in view of Williams. Plummer teaches a gang tape dispenser 10 for a multiplicity of dissimilar rolls of pressure sensitive tape 51 selectively usable at the user option. Each roll may bear repeated distinctive symbols and/or color dissimilar from those on the other rolls enabling the user to employ the strip alone or in combination for coding and/or identifying articles. Although the drawings show numeric indicia on the tape rolls, Plummer teaches that other symbols or combination of symbols may be disposed on the different tape rolls. Plummer also teaches that the rolls may be distinguished from one another by various other means as by different colors, letters or symbols as well as by various colors of tapes imprinted with various symbols. (See column 3, lines 39-63). Plummer does not teach the different symbols on the rolls comprising the names of rooms or locations destinations.

Williams teaches self-adhereable tape comprising a pre-printed message such as “Handle with Care” or “Fragile” such that the tape serves not only to seal a carton, but also to communicate a message. Williams also teaches indicia related to the address or destination of the carton. The tape taught by Williams may be dispensed from a tape-dispensing machine (not shown) that automatically moistens the gumming layer 22 and cuts the tape to length. (See column 4, lines 7-17).

It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the tape dispenser by Plummer with the pre-printed indicia as taught by Williams to provide a means to convey the destination or room contents of the box in which the tape is applied.

With respect to claim 6, Plummer clearly teaches multiple dispensing rolls each being of a distinctive color and having distinctive indicia for identifying an article.

With respect to claims 7 and 8, Williams clearly teaches tape having pre-printed indicia related to the address or destination of the carton. The examiner

contends that address or destination corresponds to the claims room indicia. It would have been obvious to print the destination address on the tape whether a street address or room addresses as a means to indicate the destination of the box or carton. In addition, since the specific legend "bedroom, bathroom, kitchen, dining room, living room, garage, storage room, office, study, den, family room, utility room etc." does not provide an unobvious functional relationship with the tape, the indicia or printed matter relating to the specific room is considered to be a design consideration. See *In re Miller*, 418, F2d 1392, 164 USPQ 46 (CCPA 969)."

Furthermore, in the Office Action mailed August 13, 2004, claims 9, 13-16 and 21 were finally rejected as follows:

" Claims 9, 13-16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitagawa et al., U.S. Patent 5,099,991 in view of Plummer and Williams. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct process for packing a box taught by Kitagawa with a plurality of different tapes having different symbols and/or colors to provide a means to selectively code each box. In addition, it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the taped box by Kitagawa and Plummer with the pre-printed indicia as taught by Williams to provide indicia related to the destination of the box after it's be (sic) packed."

Essentially, the Examiner contends that a person skilled in the art would find it obvious to combine the teaching of Williams which discloses a multiple layered laminated tape having a permeable layer suitable for printing or marking by pen, marker, or the like or for addresses or for stamping of messages such as "Handle with Care" or "Fragile", with the teachings of Okisawa which teaches tape listing all of the names of rooms in the house such that the destination room can be marked with a writing instrument, with Kitagawa which teaches of method of packing electrolytic capacitors within a

box having flaps which are sealed with the tape, and Plummer which teaches a gang tape dispenser having a multiplicity of dissimilar rolls of pressure sensitive tape bearing repeated distinctive symbols and/or colors dissimilar from the other rolls for identifying articles to arrive at the present invention. Applicant respectfully disagrees with the assertion that the combination of these references is proper, would render the invention obvious, and teaches all the limitations of the present invention.

VII. ARGUMENTS

Rejections Under 35 U.S.C. §103.

Claims 17 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Okisawa, Japanese Patent JP411092722A in view of Williams (U.S. Patent No. 4,557,971).

Applicant previously obtained a translation of the Okisawa reference (See Evidence Appendix), which was submitted with the April 20, 2004 Response to the January 20, 2004 Office Action.

To establish *prima facie* obviousness of a claimed invention three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. M.P.E.P. §2143 (citing In re Vaeck, 20 USPQ 2d 1438 (Fed. Cir. 1991).

As shown in the translated Japanese patent (See Evidence Appendix), it is concerned with adhesive tape having a list of names printed thereon for sealing packaging boxes. As shown in drawings 1-4, each roll of tape is printed with a listing of the rooms in side-by-side arrangement. For example, with respect to drawing 1, the following is printed on the tape according to the translation:

Living Rm.	Kitchen	Entrance	Bathroom	Illegible	Storage
Illegible		Living Rm	Kitchen		
Japanese 1	Japanese 2	Japanese 3	Western 1	Western 2	Western 3
Upstairs		Japanese 1	Japanese 2		

In drawing 3 the following is listed:

Locker 1	Locker 2	Locker 3
Desk 1	Desk 2	Desk 3

Once the box is sealed with the tape, the pertinent pre-printed name of the room or other reference character is circled using a writing instrument.

Williams teaches a multiple layered laminated tape having a strength layer and a permeable layer which is suitable for printing or marking. William discloses in column 2, lines 23-28 that the permeable layer may be written on by pen, marker or the like for addresses or for stamping of messages. Williams also teaches self-adhereable tape having "handle with care" or "fragile" stamped thereon.

The present invention resides in a packaging tape system and process for packaging articles to be moved. Claims 17 and 19 have been amended to recite that the adhesive tape has indicia repeatedly pre-printed thereon indicating a single room or location in a house from which the contents

of the box originated or are destined. Moreover, independent claims 17 and 19 have been amended to recite the box can be sealed and labeled simultaneously without marking the box or tape with a writing instrument.

Okisawa, in contrast, pre-prints all of the intended rooms of the house, office, etc. on the tape. In drawing 1, eighteen different designations or rooms are listed. In drawing 3, six different locations or destinations are listed. Drawings 2 and 4 illustrate abbreviations or symbols which can represent multiple different rooms or locations.

Moreover, Okisawa specifically and particularly teaches that a selected room or location is circled with a writing instrument so as to identify the destination of the box. This not only requires a writing instrument and additional steps, but can present the problem of smudging, etc., as disclosed in Applicant's application. Therefore, it is expressly contrary to the present invention which does not require a writing instrument.

Williams also teaches of utilizing a writing instrument to mark or write upon the permeable tape. The only stamped messages are "handle with care" and "fragile," neither of which indicate a single room or location in an office or house from which the contents of the box originated or are destined.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. M.P.E.P. §2143.03 (citing In re Royka, 180 USPQ 580 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. In re Wilson, 165 USPQ 494, 496 (CCPA 1970).

All the claim limitations of claims 17 and 19 have not been taught or suggested by Okisawa or Williams or the combination thereof. In fact, these references actually teach away from the claimed invention as the claimed

invention recites simultaneously labeling and marking a box without the need for manually marking the tape or box with a writing instrument. The background section of the present patent application discusses the disadvantages of having to manually mark boxes and tape. Instead, claims 17-20 recites a packaging tape system wherein a single room or location is repeatedly printed on the tape so as to be easily seen and not require a writing instrument, which presents legibility concerns and can smudge or accidentally be rubbed off of the tape.

Given the large number of different rooms and locations printed on the Okisawa tape, one would have to be very close and stop to examine the tape and box to determine where the contents originated or where they were destined. Moreover, smudging of the ink of the writing instrument is a well-known problem, further exacerbating the "determination of the destination or origination of the contents of the box when moving." The hand-written markings disclosed by Williams present the problems of deciphering one's handwriting and of the possibility of smudging the ink. Furthermore, there is no discussion whatsoever of the rooms or locations within a house or office, as recited in independent claims 17 and 19 (See Evidence Appendix, Declaration of Chris Kreutner). Thus, as these references fail to establish all of the claim limitations of these amended claims, *prima facie* obviousness cannot be established and the claim rejections should be withdrawn in light of the amendments.

A prior art reference must be considered in its entirety, i.e., as a whole including portions that would lead away from the claimed invention. M.P.E.P. §2141.02, citing, W.L. Gore & Associates, Inc. v. Garlock, Inc., 220 USPQ 303 (Fed. Cir. 1983), cert. Denied, 469 US 851 (1984). When



considering both the Williams and Okisawa references in their entirety that is, as a whole including portions that would lead away from the claimed invention, Applicant respectfully asserts that the claimed invention as a whole is not obvious.

Claims 9-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kitagawa et al. (U.S. Patent No. 5,099,991) in view of Okisawa. Kitagawa teaches a method of packing electrolytic capacitors within a box. Applicant fails to see the critical elements of the claimed invention which Kitagawa discloses. Applicant respectfully asserts that Kitagawa does not overcome the shortcomings of Okisawa, as discussed above.

Claims 6-8 and 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Plummer (U.S. Patent No. 4,252,258) in view of Williams. Plummer teaches a gang tape dispenser for multiplicity of dissimilar rolls of pressure sensitive tape selectively usable at the user option. Plummer discloses that each roll may bear a distinctive symbol and/or color dissimilar from those on the other rolls enabling the user to employ the strip alone or in combination for coding and/or identifying articles.

There is no teaching in Okisawa of distinguishing rooms, for example multiple bedrooms or bathrooms. A mover using the Okisawa tape circled "bedroom" would not know which bedroom the box belonged in the new house. The claimed invention (claims 6-8, 13-16, 18, 20 and 21) preferably utilizes multiple rolls of tape of different color to further enhance and facilitate the distinguishing between boxes quickly and at a distance when moving.

Neither Plummer nor Williams discloses pre-printing indicia repeatedly on each roll of the adhesive tape along the length thereof indicating a single room or location within a house or office. Neither Williams nor

Plummer mentions "bedroom, bathroom, kitchen, dining room, living room, garage, storage room, office, study, den, family room, utility room, break room, conference room, file room, reception area, etc." In fact, neither Williams nor Plummer is at all analogous or related to packaging articles to be moved using adhesive tape having pre-printed indicia representing the single room or location within the house or office from which the contents of the box originated or are destined and which simultaneously seals and labels the box without marking the box or tape with a writing instrument.

Although one could mark or write on the tape of Williams, Williams does not disclose the moving and packaging tape system or process of the present invention with any degree of particularity. Moreover, such hand writing and marking is contrary to the claimed invention and presents problems and disadvantages as discussed in the application. Labeling boxes having numeric indicia or other symbols, even if color coded, does not arise to the present claimed invention (See Evidence Appendix, Declaration of Chris Kreutner).

Obviousness is tested by "what the combined teachings of the references would have suggested to those of ordinary skill in the art." In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). But obviousness "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." ACS Hosp. Sys. Inc. V. Montefiore Hosp., 732 F.2d 1562, 1577, 221 USPQ 929,933 (Fed. Cir. 1984). Thus, "teachings of references can be combined only if there is some suggestion or incentive to do so." Id. Applicant respectfully asserts that the teachings of these references cannot be properly combined as there is no suggestion or incentive to do so within the references that is "clear and particular." Moreover, Plummer and

Williams fail to teach all of the limitations of these amended claims. The assertion in the Office Action that "it would have been obvious to one having ordinary skill in the art at the time this invention was made to construct a tape dispenser by Plummer with pre-printed indicia as taught by Williams is to provide a means to convey the destination or room contents of the box in which the tape is applied" is completely unsupported and baseless. Once again, neither Plummer nor Williams discloses, teaches, or even infers means to convey the destination or room contents of the box using pre-printed indicia as recited in the claims of the present invention.

Although Williams discusses printing a destination address on the tape, this does not arise to providing repeatedly pre-printed indicia on a roll of adhesive tape indicating a single room or location within a house or office from which contents of the box originated or destined. Rather, the destination address is merely a street address or an office address within a building. The specific legend "bedroom, bathroom, kitchen, dining room, living room, garage, storage room, office, study, den, family room, utility room, etc." do provide a non-obvious functional relationship with the tape as it not only illustrates that the contents of the box originated from the room or location pre-printed on the tape, but also instructs the mover to place this labeled box in such location in the new house or office (See Evidence Appendix, Declaration of Chris Kreutner). If this specific legend were merely a design consideration, stars, hearts, or non-sensical words could be utilized. However, these design selections would convey absolutely nothing as to the origination of the contents of the box and the destination of the box from one house or office to another. Thus, Applicant believes that it is very clear that the indicia, as claimed, have a functional relationship with the tape which must be taken into account and

which arises to patentable distinction between the other tapes and systems referenced by the Examiner.

Applicant's assertion that the claims are patentably distinct from the cited references is further supported by the pertinent case law. For example, in In re Miller, 164 USPQ 46 (CCPA 1969), the Examiner and the Board asserted that printed matter on measuring cups or measuring spoons were given no patentable weight. However, the Court of Customs and Patent Appeals reversed these decisions and found that the printed matter of Miller's invention was functionally related to the volume measuring device.

The Federal Circuit in In re Gulack, 217 USPQ 401 (Fed. Cir. 1983), expounded upon the Miller decision. The sole difference between the appealed claims of the Gulack application and the Wittcoff reference resided in the content of the printed matter. In re Gulack, at 403. The Federal Circuit held that differences between the inventions and the prior art cited against it cannot be ignored merely because those differences reside in the content of the printed matter. The Federal Circuit stated that "under section 103, the Board cannot dissect a claim, excise the printed matter from it, and declare the remaining portion of the mutilated claim to be unpatentable. The claims must be read as a whole." The Federal Circuit further stated that "what is required is the existence of *differences* between the appealed claims and the prior art sufficient to establish patentability."

The Federal Circuit reversed the Board and the Examiner and held that there was a functional relationship between the printed matter and the substrate of the appealed claims, and that the relationship between the printed matter and the substrate differed from the relationship exhibited by the corresponding elements of the Wittcoff reference.

Similar to the In re Gulack case, the pre-printed indicia of Applicant's packaging tape is different in content than the printed matter of the Williams tape. Moreover, the relationship between the printed matter and the tape in the present application is substantially different than the relationship between the printed matter and the tape of the Williams reference. Instead of merely providing company name, address or warning messages, the pre-printed indicia of the tape of the present invention "indicates a room or location in a house or office from which contents of the box originated." That is, the pre-printed indicia assists the movers in determining which room or location in a house or office the contents originated and to which room or location in the new house or office the box should be placed. Such is simply not disclosed or even suggested in the Williams reference.

Claims 9 and 13-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kitagawa, in view of Plummer and Williams. Once again, Williams discloses a multiple layered laminated tape having a strength layer and a permeable layer which is suitable for printing and marking. Plummer discloses a multi-gang tape dispenser. Kitagawa discloses a process for packaging electrolytic capacitors within a box.

It is axiomatic that a claimed invention is not obvious solely because it is composed of elements that are individually found in the prior art. Life Technologies, Inc. v. Clontech Laboratories, Inc., 56 USPQ 2d 1186 (Fed. Cir. 2000).

It appears as if the Examiner has inappropriately used Applicant's claims as a framework from which to pick and choose among individual references to recreate the claimed invention. Of course, it is well-known that such hindsight is impermissible and strictly forbidden. It is also well-known that

it is impermissible within the framework of 35 U.S.C. §103 to pick and choose from a reference only so much of it that will support a conclusion of obviousness to the exclusion of other parts necessary to a full appreciation of what the reference fairly suggests to one skilled in the art. Bausch & Lomb v. Barnes Hing/Hydrocurve, Inc., 230 USPQ 416 (Fed. Cir. 1986).

Neither Kitagawa, Plummer nor Williams (or the combination thereof), teach of utilizing adhesive tape having indicia repeatedly pre-printed thereon indicating a single room or location from which the articles were taken within a house or office or where the box or the article is destined within the house or office, and which simultaneously seals and labels the boxes without the need to mark the tape or box with a writing instrument, as recited in the independent claims of the present invention.

The Examiner has failed to establish the first basic criterion of a *prima facie* case of obviousness as to the amended claims: that there must be some suggestion or motivation in either the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. The mere fact that the references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. M.P.E.P. §2143.01 citing In re Mills, 16 USPQ 2d 1430 (Fed. Cir. 1990). Instead, it appears as if the Examiner is inappropriately using Applicant's claims as a framework from which to pick and choose among individual references, with complete disregard to the analogous nature of the references, to recreate the claimed invention. Of course, this is impermissible and strictly forbidden.

The present invention is directed to a packaging tape system and process for moving which assists the movers by simultaneously sealing and labeling a box with a single room or location within the house or office from which the contents of the box originated or destined within the house or office. Doing so without requiring the marking of the box or tape with a writing instrument, utilizing color coded tape, and printing indicia representing a single room or location (which aids in viewing the information on the tape from a distance), is not taught whatsoever in the prior art cited up to this point by the Examiner. This arrangement overcomes many of the problems encountered in the prior art when packaging and moving boxes, as described in the application. In the rare case where the prior art does not appreciate the existence of the problem solved by the invention, the applicant's recognition of the problem is, in itself, strong evidence of the non-obviousness of the invention. In re Nomiya et al., 184 USPQ 607, 612-613 (CCPA 1975).

In light of the foregoing arguments, Applicant respectfully asserts that the currently pending claims 6-11, and 13-21, are patentably distinct from the cited references, which have been improperly combined, and do not teach all of the claim limitations of the independent claims.

VIII. CLAIMS APPENDIX

1-5. Previously Canceled

6. (Previously Amended) A packaging tape system, comprising:  
multiple rolls of adhesive tape having a sufficient length to extend  
across a face of a box and seal two flaps of the box in a closed position; and  
indicia repeatedly pre-printed on each roll of the adhesive tape  
along the length thereof indicating a single room or location within in a house or  
office from which contents of the box originated or are destined within another  
house or office;

wherein each roll is of a distinctive color so as to be readily visually  
distinguishable from another roll indicating another room or location within the  
house or office; and

wherein the box can be sealed and labeled simultaneously without  
the marking the box or tape with a writing instrument.

7. (Previously Amended) The system of claim 6, wherein the pre-  
printed indicia relating to the single room or location of the house is selected  
from: a bedroom, a bathroom, a kitchen, a dining room, a living room, a garage,  
a storage room, an office, a study, a den, a family room and a utility room.

8. (Previously Amended) The system of claim 6, wherein the pre-  
printed indicia relating to the single room or location of the office is selected  
from: a breakroom, a conference room, a file room, a reception area, an office,  
a computer and a department.

9. (Previously Amended) A process for packaging articles to be  
moved, comprising the steps of:

supplying a moving box having opposed open flaps;

placing articles to be moved into the moving box;

closing the flaps toward one another; and

applying adhesive tape over substantially the length of opposing  
edges of the closed flaps to hold the flaps in a closed position, the adhesive



tape having indicia repeatedly pre-printed thereon indicating a single room or location from which the articles were taken within a house or office, or where the box of articles is destined within another house or office, whereby the moving box is sealed and labeled simultaneously without the need more marking the tape or the box with a writing instrument.

10. (Previously Amended) The process of claim 9, wherein the pre-printed indicia relating to the single room or location of the house is selected from: a bedroom, a bathroom, a kitchen, a dining room, a living room, a garage, a storage room, an office, a study, a den, a family room and a utility room.

11. (Previously Amended) The process of claim 9, wherein the pre-printed indicia relating to the single room or location of the office is selected from: a breakroom, a conference room, a file room, a reception area, an office, a computer and a department.

12. Previously Canceled

13. (Previously Amended) The process of claim 9, including the step of providing multiple rolls of adhesive tape, wherein the adhesive tape of each roll is of a distinctive color so as to be readily visually distinguishable from another roll indicating another room or location of the house or office.

14. (Previously Amended) A process for packaging articles to be moved, comprising the steps of:

supplying a moving box having opposed open flaps;

placing articles to be moved into the moving box;

closing the flaps toward one another;

providing multiple rolls of adhesive tape each having pre-printed indicia repeatedly thereon for indicating a single room or location from which the articles were taken within a house or office or representing the destination of the box of articles within another house or office, each roll being of a distinctive color so as to be readily visually distinguishable from another roll indicating another room or location of the house or office; and

applying adhesive tape from the dispensing roll indicating the room or location from which the articles within the box were taken over substantially the length of opposing edges of the closed flaps to hold the flaps in a closed position, whereby the moving box is sealed and labeled simultaneously without the need to mark the tape or the box with a writing instrument.

15. (Previously Amended) The process of claim 14, wherein the pre-printed indicia relating to the single room or location of the house is selected from: a bedroom, a bathroom, a kitchen, a dining room, a living room, a garage, a storage room, an office, a study, a den, a family room and a utility room.

16. (Previously Amended) The process of claim 14, wherein the pre-printed indicia relating to the single room or location of the office is selected from: a breakroom, a conference room, a file room, a reception area, an office, a computer and a department.

17. (Previously Amended) A packaging tape system, comprising:  
a roll of adhesive tape configured to extend across a face of a box and seal two flaps of the box in a closed position; and

indicia repeatedly pre-printed on the adhesive tape indicating a single room or location in a house from which contents of the box originated or are destined within another house, wherein the pre-printed indicia relating to the rooms and locations of the house is selected from: a bedroom, a bathroom, a kitchen, a dining room, a living room, a garage, a storage room, an office, a study, a den, a family room a utility room;

wherein the box can be sealed and labeled simultaneously without marking the box or tape with a writing instrument.

18. (Previously Amended) The system of claim 17, comprising multiple rolls of adhesive tape, each roll being of a distinctive color so as to be readily visually distinguishable from another roll of adhesive tape for indicating another room or location within the house or office.

19. (Previously Amended) A packaging tape system, comprising:  
a roll of adhesive tape configured to extend across a face of a box  
and seal two flaps of the box in a closed position; and

indicia repeatedly pre-printed on the adhesive tape indicating single  
a room or location in an office from which contents of the box originated or are  
destined within another office, wherein the pre-printed indicia relating to the  
single room or location within the office is selected from: a breakroom, a  
conference room, a file room, a reception area, an office, a computer and a  
department;

wherein the box can be sealed and labeled simultaneously without  
marking the box or tape with a writing instrument.

20. (Previously Amended) The system of claim 19, comprising  
multiple-rolls of adhesive tape, each roll being of a distinctive color so as to be  
readily visually distinguishable from another roll of adhesive tape for indicating  
another room or location within the house or office.

21. (Previously Added) A process for packaging articles to be  
moved from a first house to a second house, comprising the steps of:

providing multiple rolls of adhesive tape each having indicia  
repeatedly printed on a length thereof indicating a single room or location within  
the house, selected from: a bedroom, a bathroom, a kitchen, a dining room, a  
living room, a garage, a storage room, an office, a study, a den, a family room  
and a utility room, wherein each roll is of a distinctive color so as to be readily  
visually distinguishable from another roll indicating another room or location  
within the house ;

supplying at least one moving box having opposed open flaps;

placing articles within a room of the first house to be moved to the  
second house into the moving box;

closing the flaps of the box toward one another;

selecting the roll of adhesive tape having the single room repeatedly  
pre-printed thereon representing the room from the which the articles were  
taken;

applying the adhesive tape from the selected roll over substantially the length of opposing edges of the closed flaps to hold the flaps in a closed position, whereby the moving box is sealed and labeled simultaneously without the need to mark the tape or the box with a writing instrument; and

delivering the at least one sealed and labeled box from the first house to the second house and placing each sealed and labeled box in a corresponding room in the second house according to the indicia on the adhesive tape sealing the box.

IX. EVIDENCE APPENDIX

Contained in this appendix are the following:

Translation from Japanese to English of Okisawa, Japanese Patent JP411092722A, filed April 20, 2004.

Declaration of the inventor, Chris Kreutner, filed May 22, 2003.



X.

RELATED PROCEEDINGS APPENDIX

There are no related appeals or interferences that Applicant or his attorney is aware of.

Respectfully submitted,

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# GALAXY

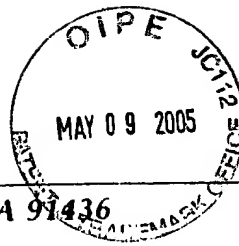
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## DECLARATION OF TRANSLATOR

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That I have translated the attached DOCUMENT

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translation of said document.

I, certify (or declare) under penalty of perjury, that  
the foregoing is true and correct.

03-05-2004

Date

Translator's Signature

State of California )

County of Los Angeles )

Subscribed and sworn to before me  
this 5th day of March, 2004

Notary Public in and for said State



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(51) Int. Cl.  
C09J 7/02

Identification Number

F1  
C09J 7/02

Z

Examination Requested

Not yet

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5 (Total 3 Pages)

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Daisuke Okisawa  
20-202, 2-13, Fujimidaira, Hanemura-shi, Tokyo

(54) Title of Invention Packaging Tape for Moving

(57) Abstract

## **Purpose**

To achieve a method for easily displaying the location of the moving destination on a packaging box for moving.

## **Resolution Means**

Repeatedly print beforehand a list of the names of rooms on tape which is used for sealing packaging boxes. When said tape is used to seal a box, the destination can easily be displayed by simply marking a circle at the destination room using a writing instrument.



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**- 2 -**

## **Extent of Claims**

### **What Is Claimed Is:**

#### **Claim 1**

A tape with an adhesive back surface wherein a list of the names of rooms is shown at least one time on the front surface.

#### **Claim 2**

An adhesive tape as shown in A 1 wherein the names of the rooms contained in the displayed are abbreviated.

#### **Claim 3**

An adhesive tape as shown in Claim 1 wherein the component material is paper.

#### **Claim 4**

An adhesive tape as shown in Claim 1 wherein the component material is cloth.

#### **Claim 5**

An adhesive tape as shown in Claim 1 wherein the component material is a synthetic resin film.

## **Detailed Description of Invention**

### **0001**

#### **Industrial Field of Application**

The present invention relates to adhesive tape which is used for packaging when moving.

### **0002**

#### **Prior Art**

Currently, the room or location where a packed cardboard box is to be placed at the moving destination is written directly on the top surface of the box in a blank space.

### **0003**

#### **Problem to Be Resolved by Invention**

It is a great inconvenience to write the destination on all of the several tens of packaging boxes, but if nothing is written, the operators at the moving destination will be confused as to where to place the boxes, and if the boxes are stacked in a room other than intended, organizing and cleaning will become a great inconvenience.

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**0004**

**Means to Resolve Problem**

A list of names of rooms is printed beforehand on tape for sealing packaging boxes.

**0005**

**Effect**

By using said tape during the packaging operation, the destination room can be easily shown simply by using a writing instrument to circle the name of the target room which was printed

beforehand. Furthermore, each of the names is repeatedly printed, so no matter what location the tape is cut and used, the target room name will appear on the tape surface one time if the cardboard box is of a regular size.

**0006**

**Preferred Embodiment 1**

Japanese names of common rooms in a house have been aligned and printed.

**0007**

**Preferred Embodiment 2**

Abbreviations of Japanese names of common rooms in a house have been aligned and printed.

**0008**

**Preferred Embodiment 3**

Abbreviations of names of locations to place boxes have been aligned and printed.

**0009**

**Preferred Embodiment 4**

Names of locations to place boxes are shown by alphabets and symbols, which have been aligned and printed.

**0010**

**Effect of Invention**

By using the tape of the present invention, the inconvenience of writing the destination room for a packaging box can be reduced so that a efficient packaging operation can be performed.

Furthermore, writing the destination label will not be forgotten, and because the destination room is written on all of the boxes, the transport operation to the moving destination can be performed smoothly and cleaning up the packages afterward can be done easily.

**0011**

**Simple Description of Drawings**

Drawing 1 shows Preferred Embodiment 1 of the present invention. This drawing shows a portion of the rolled tape pulled out so that the printed content can be seen.

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Drawing 2 shows Preferred Embodiment 2 of the present invention. This drawing shows a portion of the rolled tape pulled out so that the printed content can be seen.

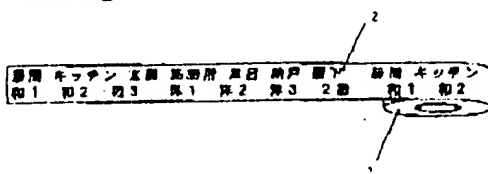
Drawing 3 shows Preferred Embodiment 3 of the present invention. This drawing shows a portion of the rolled tape pulled out so that the printed content can be seen.

Drawing 4 shows Preferred Embodiment 4 of the present invention. This drawing shows a portion of the rolled tape pulled out so that the printed content can be seen.

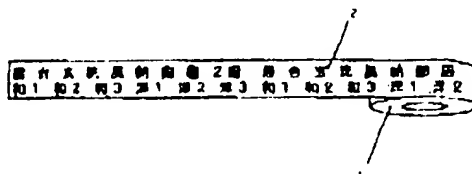
## Description of Flags

1. Adhesive tape
2. Printed list of room names

Drawing 1



Drawing 2



Drawing 1

Living Rm	Kitchen	Entrance	Bathroom	Illegible	Storage
Illegible	Living Rm	Kitchen			
Japanese 1	Japanese 2	Japanese 3	Western 1	Western 2	Western 3
Upstairs	Japanese 1	Japanese 2			

Drawing 2

[All Illegible]

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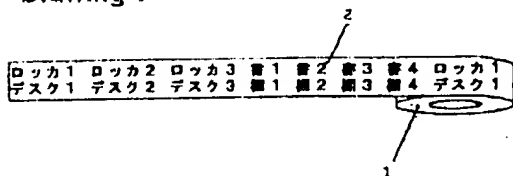
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Drawing 3



Locker 1

Locker 2

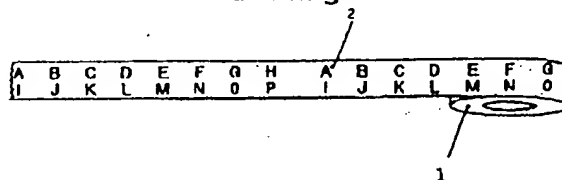
Locker 3

Desk 1

Desk 2

Desk 3

Drawing 4



Illegible 1

Illegible 2

Illegible 3

Illegible 1

Illegible 2

Illegible 3

(19) 日本国特許庁 (J P)

(12) 公開特許公報 (A)

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(51) Int.Cl.<sup>8</sup>

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(71) 出願人 598001490

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(54) 【発明の名称】 引っ越し用荷造りテープ

(57) 【要約】

【課題】 引っ越し用の梱包箱に、引っ越し先での置き場所を容易に表示する方法を実現する。

【解決手段】 梱包箱を封印する為のテープにあらかじめ部屋の名称一覧を繰り返して印刷しておく。このテープで箱を封印した際に、該当する行き先に筆記具で○印をするだけで簡単に行き先を表示することができる

## 【特許請求の範囲】

【請求項1】 少なくとも一回以上、その表面に部屋の名称一覧が表示されている事の特徴とする裏面に粘着性を持つテープ。

【請求項2】 表示の内容を部屋の名称を省略化したものにした請求項1の粘着性テープ。

【請求項3】 紙を素材の構成要素とする請求項1の粘着性テープ。

【請求項4】 布を素材の構成要素とする請求項1の粘着性テープ。

【請求項5】 合成樹脂フィルムを素材の構成要素とする請求項1の粘着テープ。

## 【発明の詳細な説明】

【0001】

【産業上の利用分野】 本発明は引っ越しの時の梱包に使用される粘着テープに関するものである。

【0002】

【従来の技術】 従来は荷造りされた段ボール箱が引っ越し先で置かれるべき部屋、場所を筆記具で箱の天面等に直接記入していた。

【0003】

【発明が解決しようとする課題】 ところで何十個もある梱包箱すべてに行き先を記入するのは大変な手間であるが、何も記入しておかないと、引っ越し先現場で作業者が置き場所に迷ったり、意図と異なる部屋に積み上げられたりした場合には、整理、片づけに大変手間取ることになってしまう。

【0004】

【課題を解決するための手段】 梱包箱を封印する為のテープにあらかじめ部屋の名称一覧を印刷しておく。

【0005】

【作用】 梱包作業の時にこのテープを使用することによって、すでに印刷されている目的の部屋に筆記具で○印等をつけるだけで簡単に行き先表示を行うことができる。また、各名称が繰り返し印刷されているので、テープをどの位置で切って使用しても通常の段ボールの箱サイズであれば、1回は目的の部屋名称が貼り付け面にあらわれる。

【0006】

【第1実施例】 日本の一般的な家屋の部屋の名称を並べて印刷する。

【0007】

【第2実施例】 日本の一般的な家屋の部屋の名称を簡略化して並べて印刷する。

【0008】

【第3実施例】 置き場所の名称を簡略化して並べて印刷する。

10 【0009】

【第4実施例】 置き場所をアルファベットや番号などのように符号化して並べて印刷する。

【0010】

【発明の効果】 本発明のテープを使うことによって、梱包箱へ行き先部屋を記入するという手間が減り効率的な荷造り作業が行うことができる。また行き先表示を記入し忘れることがなくなり、すべての箱に行き先が記入されている為に、引っ越し先で円滑な搬入作業を行うことができ、さらにその後の荷片づけも手際よく行うことができる。

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【0011】

## 【図面の簡単な説明】

【図1】 本発明の第1実施例を示す図である。印刷内容が分かるように、ロール状のテープを一部引き出した図である。

【図2】 本発明の第2実施例を示す図である。印刷内容が分かるように、ロール状のテープを一部引き出した図である。

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【図3】 本発明の第3実施例を示す図である。印刷内容が分かるように、ロール状のテープを一部引き出した図である。

【図4】 本発明の第4実施例を示す図である。印刷内容が分かるように、ロール状のテープを一部引き出した図である。

## 【符号の説明】

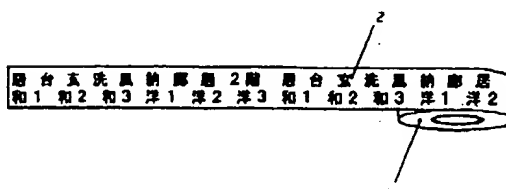
1 粘着テープ

2 部屋名一覧の印刷内容

【図1】



【図2】



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed MS-Amendment FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, Va 22313-1450 on May 22, 2003.

May 22, 2003

Aaron T. Borrowman, Reg. No. 42,348

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	Group Art Unit: 3611
Chris Kreutner	)	
	)	Examiner: Cassandra
Serial No. 09/934,777	)	Hope Davis
	)	
Filed: August 21, 2001	)	
	)	
For: PACKAGING TAPE	)	Docket No. SMART-
SYSTEM AND RELATED	)	38766
PROCESS	)	
	)	

DECLARATION OF CHRIS KREUTNER

MS: Amendment -Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Chris Kreutner, hereby declare that:

1. I am the inventor of the invention of the present application, and the President of Smart Move, Inc., the owner of the present application by way of Assignment.

2. My packaging tape system invention is designed to organize every aspect of a move using a series of specially labeled boxing tape. Each roll

of tape is repeatedly labeled with the same term, such as "kitchen" or "office", which will indicate the room or location in a house or office and from which the contents of the box originated. The tape is colored so that rooms or locations within an office or house, such as multiple bedrooms, can be easily distinguished from one another. The system allows movers to tape one specific room and simultaneously place the specific room destination of those items in the new home or office. Thus, my invention both tapes and labels the boxes to be moved simultaneously, the boxes being clearly marked on several sides due to the taping of the flaps of the box. Also, my system eliminates the use of multiple purchases of tape, markers, labels, etc. Messy markers and unclearly marked boxes are eliminated. Additionally, there is no need to direct movers as the movers place the boxes in the appropriate room or location of the new house or office due to the labeling on the adhesive tape.

3. We have placed our packaging tape in over 1,500 stores nationwide. Included in these stores are U-Haul, Public Storage, Ryder Budget Group, Bekins, Mayflower, Mailbox Etc., Box Brothers, Box City, U Got Mail, A American Self Storage, Victory Packaging, Eastern Seaboard Packaging, Pioneer Packaging, Nationwide Box, CDS, CBO, Miller Supply, and New Haven. Sales of our labeled packaging tape have exceeded \$300,000.00. We project that we will soon reach sales of over \$130,000.00 per month. We are currently in negotiations to sell our packaging tape on television, and through various national hardware chains and department stores.



4. As President of Smart Move, Inc., I am heavily involved with the marketing and promotion of our labeled packaging tape. I constantly receive responses from customers, such as those stores listed above, indicating that the labeled packaging tape is a great idea and that they have not seen anything like it and have needed it for years. I believe that the novelty and uniqueness of the invention has directly correlated with the success we have had in the marketplace.

5. I have reviewed the Hunter et al. (U.S. Patent No. 6,138,832) reference which was cited in the March 25, 2003 Office Action. The Hunter reference describes and illustrates a kit of packaging supplies, including boxes, tape, packing paper, and markers so that the consumer will not have to make multiple purchases. However, it is the use of such labels and marking pens on traditional boxing tape and boxes that is the very problem which my invention is intended to overcome. Even with the Hunter kit, both the tape and pen must be purchased. Moreover, the same problems of marking the tape or boxes which is described in the Background section of the application are present in the Hunter kit. I do not believe that the Hunter reference has any bearing whatsoever on my pre-printed and color coded packaging tape system.

6. I have also reviewed the Williams (U.S. Patent No. 4,557,971) reference. This reference discloses multiple layered laminated tape having a permeable layer suitable for printing or marking and a stronger layer to securely close the box. The Williams reference discloses that the permeable layer of the tape may be colored to provide esthetically pleasing tape. However, there is no

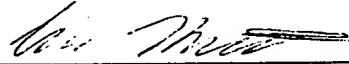
discussion of color coding the tape. Williams also discusses that a pen or marker may be used to write addresses or stamp messages on the permeable layer of the tape. Messages, such as the company name or warning such as "fragile" or "handle with care" may be printed on the tape as well. However, I do not see any reference whatsoever in the Williams patent to pre-printed labeling of the tape which indicates the room or location in the house or office from which the contents of the box were retrieved and originally packaged, or the room or location within the house or office in which the contents of the box should be delivered. Thus, I do not see this reference as having any bearing on my invention either.

7. Even combining the Hunter and Williams disclosures, a mover would only be supplied with tape bearing addresses, a company name, or warning messages such as "handle with care" or "fragile". The mover would have no idea that the box belongs in the kitchen, a particular bedroom, or the garage without actually opening the box to view its contents, before moving it to the appropriate room. It is well-known that stamping addresses on a box merely enables the Post Office to deliver the box to the physical location of the house or office. Addresses do not contain information which indicate a room or location in a house or office from which the contents of the box originated, or in which they should be placed, and have no relevance to the one-step moving process my invention produces. Thus, I do not believe that these references render my invention obvious.

I further declare that: all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and these statements were made with the knowledge that

willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such false statements may jeopardize the validity of the application or any registration resulting thereon.

Date: May 31, 2003

  
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Chris Kreutner  
President, Smart Move, Inc.